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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 **V.L. , et al.,**

14 Plaintiffs,

15 **v.**

16 **JOHN A. WAGNER, et al.,**

17 Defendants.
18
19

CV 09-4668 CW

**STIPULATION AND ORDER STAYING
ALL DISTRICT COURT PROCEEDINGS
IN THIS ACTION PENDING
RESOLUTION OF DEFENDANTS'
PRELIMINARY INJUNCTION APPEAL
IN THE NINTH CIRCUIT**

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21
22 WHEREAS defendants' preliminary injunction appeal is currently pending in the Ninth
23 Circuit;

24 WHEREAS oral argument on that appeal has been scheduled for June 15, 2010;

25 WHEREAS the parties believe that there is a significant possibility that the Ninth Circuit's
26 decision in the preliminary injunction appeal could either eliminate the need for further litigation
27 in this action or significantly clarify and narrow the issues that would still need to be litigated;
28 and

1 WHEREAS the parties agree that it would be more efficient for the Court and the parties to
2 stay all district court proceedings except the Case Management Conference pending resolution of
3 the preliminary injunction appeal;

4 IT IS HEREBY STIPULATED between the parties through their respective counsel that,
5 subject to Court approval:

6 1. All district court proceedings in this action are hereby stayed with the exception of
7 the Case Management Conference scheduled for May 4, 2010 at 2 p.m.

8 2. The stay shall be lifted automatically upon the Ninth Circuit's issuance of the
9 mandate in the pending preliminary injunction appeal in this action, Ninth Circuit Case No. 09-
10 17581.

11 3. The stay may be lifted unilaterally by any party at any time upon three (3) days' prior
12 written notice to the Court and all other parties.

13 4. The stay may be lifted at any time by order of the Court.

14 5. In the event that the Ninth Circuit reverses the preliminary injunction in whole or in
15 part, defendants shall ensure that the benefit cuts under sections 12309(e) and/or 12309.2 of the
16 California Welfare and Institutions Code that are presently enjoined by the preliminary injunction
17 do not go into effect for at least sixty (60) days after the Ninth Circuit issues the mandate in the
18 preliminary injunction appeal, Ninth Circuit Case No. 09-17581. Nothing in the preceding
19 sentence shall prohibit defendants from taking preliminary steps prior to the expiration of this 60-
20 day period to enable sections 12309(e) and/or 12309.2 of the California Welfare and Institutions
21 Code to go into effect immediately upon the expiration of this 60-day period, provided that the
22 actual cuts in benefits shall not go into effect prior to the expiration of this 60-day period. In the
23 event that any plaintiff unilaterally lifts the stay prior to the oral argument in the preliminary
24 injunction appeal, or in the event that the stay is lifted by the Court upon a motion or request
25 brought by any plaintiff and opposed by defendants prior to the oral argument in the preliminary
26 injunction appeal, the provisions of this paragraph shall be voided.

27 6. In the event that any plaintiff seeks another preliminary injunction or a modification
28 of the preliminary injunction following the Ninth Circuit's decision, plaintiffs shall meet and

1 confer with defendants to set a briefing schedule for such a motion as soon as practicable
2 following the Ninth Circuit's decision, and in no event shall plaintiffs suggest a briefing schedule
3 for such motion that provides defendants less than two weeks to file an opposition.

4 Dated: April 23, 2010

Respectfully submitted,

5 EDMUND G. BROWN JR.
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10 */s/ Gregory D. Brown*

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15 Dated: April 23, 2010

Respectfully Submitted,

16 By: /s/ Melinda Bird

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UDW, and CUHW*

GENERAL ORDER 45 ATTESTATION

I, Gregory D. Brown, am the ECF user whose ID and password are being used to file this stipulation and proposed order. In compliance with General Order 45, X.B., I hereby attest that plaintiffs' counsel have concurred in the filing of this document with their electronic signatures.

Dated: April 23, 2010

/s/ Gregory D. Brown
Gregory D. Brown

GOOD CAUSE APPEARING, PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 4, 2010



Hon. Claudia Wilken
United States District Judge